IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Charlotte DIVISION
CIVIL ACTION NO. 3:18-cv-00448-KDB-DSC

Carotrans International, Inc.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**ORDER**
	)	
	)	
Carolina Recycle Partners, LLC, et al.,	)	
	)	
Defendants.	)	
	)	

THIS MATTER is before the Court on Individual Defendants' … Motion to Dismiss (Doc. No. 27), Defendant Ruff's Motion to Dismiss … for Lack of Personal Jurisdiction (Doc. No. 24), the parties' associated briefs and exhibits, and the Magistrate Judge's Memorandum and Recommendation ("M&R") (Doc. No. 37), recommending that Individual Defendants' … Motion to Dismiss be granted in part (dismissing the claims against individual defendants Brinkley, Ruff and Scott) and denied in part (allowing the claims to proceed against individual defendant Cooper) and that Defendant Ruff's Motion to Dismiss … for Lack of Personal Jurisdiction be denied as moot. The parties have not filed an objection to the M&R, and the time for doing so has expired. Fed. R. Civ. P. 72(b)(2).

I.   BACKGROUND

No party has objected to the Magistrate Judge's statement of the factual and procedural background of this case. Therefore, the Court adopts the facts as set forth in the M&R. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985) (explaining the Court is not required to review,

under a de novo or any other standard, the factual or legal conclusions of the magistrate judge to which no objections have been raised).

II.   STANDARD OF REVIEW

A district court may designate a magistrate judge to "submit to a judge of the court proposed findings of fact and recommendations for the disposition" of dispositive pretrial matters, including motions to dismiss. 28 U.S.C. § 636(b)(1). Any party may object to the magistrate judge's proposed findings and recommendations, and the court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). However, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation" and need not give any explanation for adopting the M&R. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005); *Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). Also, the Court does not perform a de novo review where a party makes only "general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). After reviewing the record, the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

III.   DISCUSSION

Having carefully reviewed the Magistrate Judge's M&R, the relevant portions of the record and applicable legal authority, this Court is satisfied that there is no clear error as to the M&R, to which no objection was made. *Diamond,* 416 F.3d at 315. Accordingly, this Court
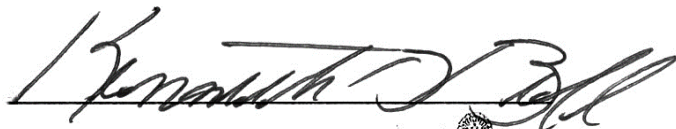
finds that it should adopt the findings and recommendations set forth in the M&R as its own and that Individual Defendants' … Motion to Dismiss be granted in part (dismissing the claims against defendants Brinkley, Ruff and Scott) and denied in part (allowing the claims to proceed against Defendant Cooper) and that Defendant Ruff's Motion to Dismiss … for Lack of Personal Jurisdiction be denied as moot.

IV. CONCLUSION

IT IS, THEREFORE, ORDERED that:

1. The Magistrate Judge's M&R, (Doc. No. 37), is **ADOPTED**;

2. Defendants' Motion, (Doc. No. 27), is **GRANTED as to Defendants Brinkley, Ruff and Scott and DENIED as to Defendant Cooper;**

3. Defendant Ruff's Motion (Doc. No. 24) is **DENIED** as moot; and

4. This action is hereby **DISMISSED** as to **Defendants Brinkley, Ruff and Scott.**

Signed: August 5, 2019

Kenneth D. Bell
United States District Judge